

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Lalitha Agnihotri, et al.
	:	
For	:	METHOD AND SYSTEM FOR RETRIEVING INFORMATION ABOUT TELEVISION PROGRAMS
	:	
Serial No.:	:	10/084,712
	:	
Filed	:	February 25, 2002
	:	
Art Unit	:	2623
	:	
Examiner	:	Peter C. Wilder
	:	
Att. Docket	:	US020056
	:	
Confirmation No.	:	5878

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following remarks are directed to the new points of argument raised in the Examiner's

Answer mailed October 9, 2007.

**I. STATEMENT OF THE GROUNDS OF REJECTION**

As a preliminary matter, Appellant confirms that the second paragraph on the third page of the Examiner's Answer is correct. The rejection in question is not a rejection of claims 9 or 10. Thus, a correct statement of the first rejection is as follows.

A. Claims 1-5, 8, 11, 13-16, 20 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,756,997 to Ward III et al. in view of U.S. Patent No. 6,263,507 to Ahmad.

## **II. RESPONSE TO APPELLANT'S ARGUMENTS**

In section (10) entitled "Response to Argument," the Examiner's Answer puts forth several new arguments in response to Appellant's Appeal Brief. Appellant will respond to each of the Examiner's new arguments in turn. However, Appellant first notes that the Examiner's Answer does not respond to one or more arguments contained in Appellant's Brief. On this basis alone the rejections should be overturned.

### **A. No Disclosure, Teaching or Suggestion of "Summaries" in the Prior Art**

On page 5 of Appellant's Brief, Appellant argued that there is no disclosure teaching or suggestion of "summaries," according to the combinations recited in claims 1 and 20, in Ward or Ahmad. In response, the Examiner's Answer argues that, "[a]t best, 'summary' is characterized as a single summary or history that condenses summaries of other episodes' (see p.11, lines 2-3), which is known in the art of 'summarization.'" However, the Examiner's Answer provides no support for this assertion. The Examiner's Answer provides no basis for the allegation that "at best" the recitation of summaries in claims 1 and 20 is "characterized" as alleged.

The Examiner's Answer further argues that, "As such, it is unreasonable to one of ordinary skill to construe 'summary' or 'combining summaries' as the known 'summarization.'" In other words, the Examiner's Answer argues that "it is unreasonable to one of ordinary skill to

construe" the claims term(s) in question in a manner "which is known in the art." Appellant respectfully asserts that this argument is inapposite to the law. It is most clearly reasonable to one of ordinary skill in the art to construe claim terms in a manner which is known in the art.

B. Finality of the Office Action is Improper

On page 6 of Appellant's Brief, Appellant argued that the finality of the January 26, 2007, final Office Action was improper for the reason that the final Office Action failed to address Appellant's subsequent argument regarding "summaries," made in Appellant's October 11, 2006, Amendment. In response, the Examiner's Answer points to the bottom of p. 8 in the final Office Action.

However, the brief mention of "summaries" at the bottom of p. 8 in the final Office Action is merely a restatement of the rejection from p. 9 of the July 11, 2006, non-final Office Action. Appellant's October 11, 2006, Amendment incorporated subject matter previously recited in dependent claim 7 into claim 1. This included the recitation of "summaries" in question.

While restating the rejection of claim 7 from the July 11, 2006, non-final Office Action in connection with claim 1, the January 26, 2007, final Office Action otherwise ignored Appellant's argument regarding "summaries" from Appellant's October 11, 2006, Amendment. Thus, the "Response to Arguments" section on pages 3-6 of the January 26, 2007, final Office Action makes no mention of this argument made by Appellant in the October 11, 2006, Amendment. Accordingly, Appellant's Appeal Brief correctly argued that the finality of the January 26, 2007,

Office Action was improper, and the Examiner's Answer failed to traverse Appellant's argument.

C. No Disclosure, Teaching or Suggestion of "Events" in the Prior Art

On page 7 of Appellant's Brief, Appellant argued that there is no disclosure teaching or suggestion of "events," according to the combination recited in claim 9, in Ward or Shoff. In response, the Examiner's Answer points to the "Description" column in Fig. 3 of Shoff.

The Examiner's Answer correctly recognizes that the "Description" column in Fig. 3 of Shoff contains titles of episodes of serial television programs. The Examiner's Answer gives the example from Shoff of "The Secret of Gila Junction," which is a title of an episode of the "Murder She Wrote" series. The Examiner's Answer then argues that titles of episodes constitute the claimed "events."

Appellant respectfully asserts that it is patently obvious that titles of episodes of serial television programs are not "events" as recited in the claims. Using the Examiner's own example from Shoff, Appellant wonders what "event" is described by "The Secret of Gila Junction." A secret is a noun. Appellant respectfully submits that it is readily apparent that a noun cannot be an event in an episode as recited, for example, in claim 9.

D. No Disclosure, Teaching or Suggestion of "Episodes" in the Prior Art

On pages 7-8 of Appellant's Brief, Appellant argued that there is no disclosure teaching or suggestion of "episodes," according to the combination recited in claim 9, in Ward or Shoff. In response, the Examiner's Answer points to a dictionary definition of an episode as an "event."

Appellant recognizes that, in certain contexts, an “episode” means an “event.” For example, when an asthmatic refers to an “episode,” the asthmatic is likely to be referring to the “event” of an attack of asthma.

However, Appellant respectfully asserts that it is plainly obvious, when referring to television programming, as the Examiner’s Answer itself correctly does throughout, an episode does not refer to an “event” within a television program, but rather to an entire program within a programming series. In fact, Appellant notes that bridging the sixth and seventh lines on page 19, the Examiner’s Answer refers to “this episode of the ‘Murder She Wrote’ series” (emphasis added)!

Appellant respectfully submits that the Examiner’s Answer correctly uses the term “episode” in the quoted instance. The term “episode” clearly does not refer to an “event” in the context it is used in the claims.

E. Insufficient Motivation to Combine Ward and Shoff

On pages 8-9 of Appellant’s Brief, Appellant argued that the alleged motivation to combine certain specific teachings of Ward and Shoff to the exclusion of other teachings in Ward and Shoff in order to arrive at the combination of subject matter recited in claim 9, is insufficient. Specifically, Appellant argued that the alleged motivation to combine Ward and Shoff as necessary was essentially a statement that the field of interactive programming exists, and little more.

The Examiner’s Answer responds on pages 19-20. In the first paragraph of this response, the paragraph bridging pages 19 and 20, the Examiner’s Answer correctly concedes that the

motivation to combine Ward and Shoff alleged does involve hindsight reasoning based on Appellant's claims. In the next paragraph the Examiner's Answer correctly concedes that Appellant has recognized advantages not previously recognized in the prior art. Appellant respectfully submits that in admitting hindsight reasoning based on Appellant's claims, and admitting that Appellant recognized advantages not previously recognized in the prior art, the Examiner has done an effective job of arguing Appellant's position on behalf of Appellant.

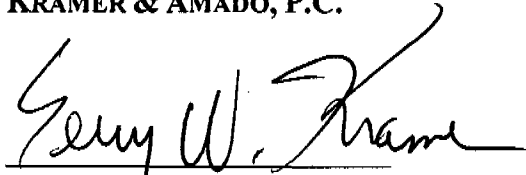
Nevertheless, the third and final paragraph in the Examiner's Answer addressing this issue summarily argues otherwise. In connection therewith, the Examiner's Answer makes reference to, "the motivation suggested in Shoff." Again, Appellant points out that the motivation suggested in Shoff to which the Examiner refers, consists of nothing more than a motivation that the field of interactive programming exists.

### **III. CONCLUSION**

It is respectfully submitted that the remaining points of argument set forth in the Examiner's Answer are repetitive, and thus were fully addressed in Appellant's Appeal Brief. For the reasons set forth herein and in the Appeal Brief, it is respectfully requested that the rejections of the claims under 35 U.S.C. §103(a) be reversed.

It is respectfully requested that further communications be directed to the correspondence attorney listed below.

Respectfully submitted,  
KRAMER & AMADO, P.C.

A handwritten signature in black ink, appearing to read "Terry W. Kramer", written over a horizontal line.

Terry W. Kramer  
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Date: December 10, 2007

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